

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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PETER OPPENHEIMER
CLERK U.S. DISTRICT COURT
WD OF WI

UNITED STATES OF AMERICA,
Plaintiff,

Case File No. 10-cr-141-wmc

v.

**NOTICE OF APPEAL OF SEPTEMBER
27, 2019 JUDGMENT DENYING §
2255 MOTION TO VACATE**

GALE RACHUY,

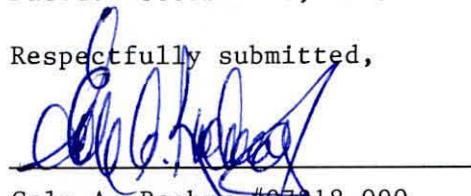
Defendant.

Gale Rachuy, above-named defendant hereby appeals the September 27, 2019, dated Judgment denying his § 2255 Motion to vacate the October 20, 2017, revocation of his supervised release and unconstitutional conditions of supervised release to the Seventh Circuit Court of Appeals.

The district court improperly dismissed this Motion where the recent Supreme Court decision in **Garza v. Idaho**, was controlling of the issue of whether Attorney Erika L. Bierma, provided ineffective assistance of counsel where she did not timely appeal the revocation. The district court dismissed this matter where it was presumed that the case 19-2179, was still pending appeal. This case was dismissed by the Seventh Circuit Court of Appeals on August 13, 2019, for filing an untimely appeal, which Attorney Bierma's ineffective assistance cost defendant his right to in fact appeal.

Dated: October 10, 2019.

Respectfully submitted,



Gale A. Rachuy #07218-090
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Defendant Pro se